

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FRANK NALI,

Plaintiff,

v.

Civil Number 04-10235-BC

Hon. David M. Lawson

Magistrate Judge Charles E. Binder

GROSSE POINTE WOODS, LYNNE
PIERCE, in her individual capacity,
ANTHONY CALUT, CITY OF GROSSE
PTE. FARMS, JOHN DOES,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING ACTION AGAINST
DEFENDANT LYNNE PIERCE**

The plaintiff filed the present action alleging a violation of civil rights against several defendants. The matter was referred to Magistrate Judge Charles E. Binder for general case management pursuant to 28 U.S.C. § 636(b)(1)(a). Thereafter defendant Lynne Pierce filed a motion to dismiss. On February 2, 2005, Magistrate Judge Binder filed a report and recommendation in which he recommended that the motion be granted. The plaintiff filed a timely objection to the report and recommendation and the matter is presently before the Court for a *de novo* review.

The Court considered the plaintiff's objections in light of the parties' submissions and finds them to be without merit. The defendant was a municipal judge for the City of Grosse Pointe Woods. The plaintiff's civil rights complaint arises out of allegations that she conspired to and did violate his civil rights when she signed a search warrant authorizing the search of his residence. Defendant Pierce is protected from suit under such circumstances by the doctrine of absolute judicial immunity, as the magistrate judge clearly expressed and properly applied.

Moreover, the conspiracy count is infirm because the plaintiff has failed to plead facts

sufficient to establish the claim.

The Court finds that the magistrate judge correctly applied the governing law in recommending that the defendant Pierce's motion to dismiss be granted.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 23] is **ADOPTED**.

It is further **ORDERED** that the motion to dismiss by defendant Lynne Pierce [dkt # 12] is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED** with prejudice as to defendant Lynne Pierce, only.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 19, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 19, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS